

**ADMINISTRATIVE ORDERS  
OF THE  
UNITED STATES BANKRUPTCY COURT  
FOR THE  
DISTRICT OF NEW HAMPSHIRE**



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**CREDITOR MATRIX REQUIREMENTS**

(Adopted pursuant to General Order dated April 1, 1997)

An example of an appropriate creditor matrix in accordance with LBR 1007-2 is as follows:

First City Nat'l Bank  
of Beaumont  
PO Box 3391  
Beaumont, TX 77704

Flex Northwest  
1540 NW 46th Street  
Seattle, WA 98372

**FILING OF PAYMENT ADVICES PURSUANT TO 11 U.S.C. § 521(a)(1)(B)(iv)**

(Amended and Adopted pursuant to General Order dated April 3, 2006)

Effective as to cases filed on or after October 17, 2005, copies of all payment advices or other evidence of payment received within sixty (60) days before the date of the filing of the petition by the debtor from any employer of the debtor (1) shall not be filed with the Court unless otherwise ordered and (2) shall be provided to the trustee in accordance with 11 U.S.C. § 521(i)(1).

**CITATION FORMAT FOR OPINIONS ISSUED BY THIS COURT**

(Adopted pursuant to Order dated April 6, 2001)

(a) *Reported Opinions.* Opinions that are reported in Bankruptcy Reporter, Bankruptcy Court Decisions, or other reporter shall be cited using the citation format for such reporter suggested in The Bluebook, e.g., In re Grant, 242 B.R. 800, 801 (Bankr. D.N.H. 2000).

(b) *Unreported Opinions.* Unreported opinions are opinions that have not been released for publication in printed reports or electronic reporters, other than the Court's web site. An opinion is issued in unreported form where, in the view of the judge issuing the opinion, the opinion does not articulate a new rule of law, modify an established rule, apply an established rule to novel facts, or otherwise serve as a significant guide to future parties and litigants. While unreported opinions may be cited by parties and litigants in unrelated cases in the form described in paragraphs (c) or (d), their precedential value may be limited.

(c) *Unreported Opinions Published on the Court's Web Site and Issued After January 1, 1999.* Unreported opinions that are published on the Court's web site ([www.nhb.uscourts.gov](http://www.nhb.uscourts.gov)) and issued after January 1, 1999, shall be cited using the four-digit year in which the opinion is issued, the letters "BNH," the three-digit opinion number located on the top of the opinion and, where reference is made to specific material within the opinion, the page number that appears in the Portable Document Format (PDF) version of the opinion that is available on the Court's web site, e.g., In re Hellesen, 1999 BNH 002, 3.

(d) *Unreported Opinions Not Published on the Court's Web Site.* Unreported opinions that are not published on the Court's web site shall be cited using the citation form for unreported decisions suggested in The Bluebook, e.g., Galloway v. True (In re True), Bk. No. 96-11447-MWV, Adv. No. 96-1093-MWV, slip. op. at 3 (Bankr. D.N.H. Aug. 22, 1997).

**IDENTIFICATION OF PARENT COMPANIES AND PUBLIC COMPANIES**

(Adopted pursuant to Order dated January 26, 2000)

(a) *Purpose.* The purpose of this administrative order is to assist the judges in making a determination of whether they have any relationship with or interest in any company related to a debtor or party in interest that would disqualify the judge from participating in any proceeding in this court.

(b) *Definition of Company.* For the purposes of this administrative order, “company” means any entity as defined in 11 U.S.C. § 101 which is not an individual, governmental unit, or United States Trustee, and includes, but is not limited to, corporations, partnerships, limited liability companies, limited liability partnerships, estates, and trusts.

(c) *Debtors.* In addition to any requirement under Federal Rule of Bankruptcy Procedure 1007, any company that is a debtor in this court shall file a statement identifying all its parent companies and listing any publicly held company that owns 10% or more of the interests in the debtor or the debtor’s equity securities. The debtor shall file the statement with its petition at the commencement of the case and shall supplement such statement within a reasonable time following any change of the information.

(d) *Adversary Proceedings.* Any company, other than a debtor, that is a party to an adversary proceeding in this court shall file a statement identifying all its parent companies and listing any publicly held company that owns 10% or more of the interests in the party or the party’s equity securities. A party shall file the statement with its initial pleading filed in the court and shall supplement such statement within a reasonable time following any change of the information.

(e) *Contested Matters.* Any company, other than a debtor, that is involved in a contested matter in this court, either as a movant, an objecting party, or a respondent, shall file a statement identifying all its parent companies and listing any publicly held company that owns 10% or more of the interests in the company or the company’s equity securities. The movant or objecting party shall file the statement with its initial pleading filed in the court and shall supplement such statement within a reasonable time following any change of the information. The respondent shall file the statement with its responsive pleading filed in the court and shall supplement such statement within a reasonable time following any change of the information. Contested matters, for purposes of this administrative order, include but are not limited to: (1) applications to employ professionals, (2) objections to exemptions, (3) objections to use of cash collateral, (4) objections to proposed sale, use, or lease of property, (5) motions for relief, (6) objections to motions to avoid liens, (7) objections to claims, (8) objections to disclosure statements, (9) objections to confirmation, and (10) applications for compensation.

(f) *Exception.* Notwithstanding the provisions of sections (c) through (e) of this administrative order, a company shall file only one statement in each proceeding in this court (i.e., bankruptcy case, adversary proceeding, and contested matter) unless there is any change of the information, in which case the company shall supplement its statement within a reasonable time following such change.

**ADDRESSES OF THE STATE OF NEW HAMPSHIRE AND STATE AGENCIES**

(Adopted pursuant to General Order dated April 1, 1997)

Whenever notice must be given to the State of New Hampshire, or a subdivision thereof, the addresses are as follows:

- (a) To the Secretary of State:

Secretary of State  
State House  
Concord, NH 03301

- (b) To the Attorney General:

Office of the Attorney General  
Consumer Protection and Anti-Trust Bureau  
33 Capitol Street  
Concord, NH 03301

- (c) To the Department of Revenue Administration:

Department of Revenue Administration  
Collection Division  
61 South Spring Street  
PO Box 457  
Concord, NH 03301

- (d) To the Department of Employment Security:

Department of Employment Security  
ATTN: Chief Counsel  
32 South Main Street  
Concord, NH 03301

**ADDRESSES OF THE UNITED STATES AND FEDERAL AGENCIES**

(Adopted pursuant to General Order dated April 1, 1997, Revised May 15, 2003)

Whenever notice is required to be given to the United States of America, or a subdivision thereof, the addresses are as follows:

- (a) To the United States Attorney:

United States Attorney  
55 Pleasant Street  
Concord, NH 03301

- (b) To the United States Attorney General:

United States Attorney General  
10th & Constitution Avenue NW  
Washington, D.C. 20530

- (c) To the Internal Revenue Service:

Internal Revenue Service  
Special Procedures Function  
195 Commerce Way  
Portsmouth, NH 03801

Internal Revenue Service  
Office of District Counsel  
10 Causeway Street, Room 401  
Boston, MA 02222-1061

Internal Revenue Service  
U.S. Dept. of Justice — Tax Division  
PO Box 55, Ben Franklin Station  
Washington, D.C. 20044

- (d) To the United States in cases involving common carriers:

Chief Counsel, Transportation Audits  
GSA-General Law Division  
Room 4124  
Washington, D.C. 20405

- (e) To the Securities and Exchange Commission:

Securities and Exchange Commission  
Northeast Regional Office  
233 Broadway  
New York, NY 10279

- (f) To the United States in commodity broker cases:

Commodity Futures Trading Commission



Three Lafayette Centre  
1155 21<sup>st</sup> Street, NW  
Washington, D.C. 20581

(g) To the United States Trustee:

Office of the United States Trustee  
66 Hanover Street, Suite 302  
Manchester, NH 03101

**IMPLEMENTATION OF NOTICE OF PREFERRED ADDRESSES**

**PURSUANT TO 11 U.S.C. § 342(e) AND (f) AND**

**NATIONAL CREDITOR REGISTRATION SERVICE**

(Adopted pursuant to General Order dated April 3, 2006)

Effective as to cases filed on or after October 17, 2005, an entity, as that term is defined under 11 U.S.C. § 101(15), and a notice provider, i.e., Bankruptcy Noticing Center, may agree that when the notice provider is directed by the Court to provide notice to the entity, the notice provider shall do so in the manner agreed to and at the address or addresses provided to the notice provider by the entity. Such address is conclusively presumed to be a proper address for the notice. However, the notice provider's failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law.

The filing of a notice of preferred address pursuant to 11 U.S.C. § 342(f) by an entity directly with the notice provider shall constitute the filing of such a notice with the Court.

The entity must register its preferred address with the National Creditor Registration Service. Forms and registration information are available on the National Creditor Registration Service's web site at [www.ncrsuscourts.com](http://www.ncrsuscourts.com).

**REIMBURSEMENT OF EXPENSES**

(Adopted pursuant to General Order dated April 1, 1997)

The Court will not approve expense reimbursement requests for facsimile, word processing, document production, and computer-accessed legal research, except in very limited circumstances at the conclusion of the particular case. See In re New Hampshire Electric Cooperative, 146 B.R. 890 (Bankr. D.N.H. 1992).

The Court will allow photocopying reimbursement only at the rate of ten cents (\$0.10) per page unless at the conclusion of the case the professional involved can demonstrate (at that professional's own expense) that this amount does not fully recover actual costs. The rate specified for photocopying reimbursement is subject to further adjustment upward or downward in the event that an empirical study by the United States Trustee's Office should demonstrate that the rate selected either exceeds or is below actual costs of the professionals typically employed in bankruptcy cases.

**COMPENSATION OF CHAPTER 13 DEBTOR'S COUNSEL**

(Adopted pursuant to General Order dated April 1, 1997)

If the total fee for debtor's counsel in a consumer case or in a business case is less than or equal to the amount set forth in any current United States Trustee's guidelines for this district, the disclosure set forth in the Rule 2016 statement is sufficient, and it is unnecessary to file any itemized application for compensation unless ordered to do so by the Court.

**DISCIPLINARY RULES AND PROCEDURES**  
(Adopted pursuant to Order dated February 2, 2001)

The following disciplinary rules and procedures shall apply in all matters before this court.

**1. Conferred Disciplinary Jurisdiction.**

Any attorney admitted or permitted to practice before this court shall be deemed to have conferred disciplinary jurisdiction upon this court for any alleged attorney misconduct arising during the course of a case pending before this court in which that attorney has participated in any way.

**2. Promulgation of Disciplinary Rules.**

The court, in furtherance of its inherent authority and responsibility to supervise the conduct of attorneys who are admitted or permitted to practice before it, promulgates the Disciplinary Rules as outlined below.

**3. Disciplinary Rules.**

**DR-1 Standards for Professional Conduct.**

The Standards for Professional Conduct adopted by this court are the Rules of Professional Conduct as adopted by the New Hampshire Supreme Court, as the same may from time to time be amended by that court, and any standards of conduct set forth in these rules. Attorneys who are admitted or permitted to practice before this court shall comply with the Standards for Professional Conduct, and the court expects attorneys to be thoroughly familiar with such standards before appearing in any matter.

**DR-2 Attorneys Convicted of Crimes.**

(a) Upon the filing with this court of a certified copy of a judgment of conviction demonstrating that any attorney admitted to practice before the court has been convicted in any court of the United States, or the District of Columbia, or of any state, territory, commonwealth or possession of the United States of a serious crime as hereinafter defined, the court shall enter an order immediately suspending that attorney, whether the conviction resulted from a plea of guilty or nolo contendere, or from a verdict after trial or otherwise, and regardless of the pendency of any appeal, until final disposition of a disciplinary proceeding to be commenced upon such conviction. A copy of such order shall immediately be served upon the attorney as provided in DR-9 of these rules. Upon good cause shown, the court may set aside such order when it appears in the interest of justice to do so.

(b) The term "serious crime" shall include any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involves false swearing, misrepresentation, fraud, willful failure to file or filing false income tax returns, deceit, bribery, extortion, misappropriation, theft or an attempt to or a conspiracy or solicitation of another to commit a "serious crime."

(c) A certified copy of a judgment of conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based upon the conviction.

(d) Upon the filing of a certified copy of a judgment of conviction of an attorney for a serious crime, the court shall, in addition to suspending that attorney in accordance with the provisions of this rule, refer the matter to special counsel (i) for the institution of a disciplinary proceeding before one or more judges of the court in which the sole

issue to be determined shall be the extent of the final discipline to be imposed as a result of the conduct resulting in the conviction, provided that a disciplinary proceeding so instituted will not be brought to final hearing until all appeals from the conviction are concluded; or (ii) a recommendation as to whether the imposition of final discipline should be stayed pending the outcome of a disciplinary proceeding in another court and pending the issuance of an order to show cause pursuant to DR-3(b)(2).

(e) Upon the filing of a certified copy of a judgment of conviction of an attorney for a crime not constituting a "serious crime," the court may refer the matter to special counsel for whatever action counsel may deem warranted, including the institution of a disciplinary proceeding before the court provided, however, that the court may in its discretion make no reference with respect to convictions for minor offenses.

(f) An attorney suspended under the provisions of this rule will be reinstated immediately upon the filing of a certificate demonstrating that the underlying conviction of a serious crime has been reversed but the reinstatement will not terminate any disciplinary proceeding then pending against the attorney, the disposition of which shall be determined by the court on the basis of all available evidence pertaining to both guilt and the extent of discipline to be imposed.

(§ (d) amended 2/2/01)

### **DR-3 Discipline Imposed By Other Courts.**

(a) Any attorney admitted to practice before this court shall, upon being subjected to public discipline by any other court of the United States or the District of Columbia, or by a court of any state, territory, commonwealth or possession of the United States, promptly inform the clerk of this court of such action.

(b) Upon the filing of a certified or exemplified copy of a judgment or order demonstrating that any attorney admitted to practice before this court has been disciplined by another court, this court shall forthwith issue a notice directed to the attorney containing:

(1) a copy of the judgment or order from the other court; and

(2) an order to show cause directing that the attorney inform this court within thirty (30) days after service of that order upon the attorney, personally or by mail, of any claim by the attorney predicated upon the grounds set forth in paragraph (d) hereof that the imposition of the identical discipline by the court would be unwarranted and the reasons therefor.

(c) In the event the discipline imposed in the other jurisdiction has been stayed there, any reciprocal discipline imposed in this court shall be deferred until such stay expires.

(d) Upon the expiration of thirty (30) days from the service of the notice issued pursuant to the provisions of DR-3(b)(2) above, this court shall impose the identical discipline unless the respondent-attorney demonstrates, or this court finds, that upon the face of the record upon which the discipline in another jurisdiction is predicated it clearly appears:

(1) that the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

(2) that there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this court could not, consistent with its duty, accept as final the conclusion on that subject; or

(3) that the imposition of the same discipline by this court would result in grave injustice; or

(4) that the misconduct established is deemed by this court to warrant substantially different discipline.

Where this court determines that any of said elements exist, it shall enter such other order as it deems appropriate.

(e) In all other respects, a final adjudication in another court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in this court.

(f) This court may at any stage appoint special counsel to prosecute the disciplinary proceedings.

#### **DR-4 Disbarment on Consent or Resignation in Other Courts.**

(a) Any attorney admitted to practice before this court who shall be disbarred on consent or resign from the bar of any other court of the United States or the District of Columbia or from the bar of any state, territory, commonwealth or possession of the United States while an investigation into allegations of misconduct is pending, shall, upon the filing with this court of a certified or exemplified copy of the judgment or order accepting such disbarment on consent or resignation, cease to be permitted to practice before this court and be stricken from the roll of attorneys admitted to practice before this court.

(b) Any attorney admitted to practice before this court shall, upon being disbarred on consent or resigning from the bar of any other court of the United States or the District of Columbia or from the bar of any state, territory, commonwealth or possession of the United States while an investigation into allegations of misconduct is pending, promptly inform the clerk of this court of such disbarment on consent or resignation.

#### **DR-5 Misconduct.**

(a) For misconduct defined in these rules, and for good cause shown, and after notice and opportunity to be heard, any lawyer admitted or permitted to practice before this court may be disbarred, suspended from practice before this court, or subjected to such other public or private disciplinary actions as the circumstances may warrant.

(b) Acts or omissions by a lawyer admitted or permitted to practice before this court, individually or in concert with any other person or persons, which violate the Standards for Professional Conduct adopted by this court shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship.

#### **DR-6 Disciplinary Proceedings.**

(a) When misconduct or allegations of misconduct which, if substantiated, would warrant discipline of an attorney admitted or permitted to practice before this court shall come to the attention of this court, whether by complaint or otherwise, and the applicable procedure is not otherwise mandated by these rules, the judge may follow either or both of the following procedures:

(1) refer the matter to any appropriate disciplinary agency with jurisdiction over said attorney with a request that the agency report its actions to the court provided, however, that in addressing any misconduct matter the court may consider such agency's actions but shall not be bound thereby;

(2) appoint one or more members of the bar of this court to act as special counsel to investigate the matter, to prosecute the matter in formal disciplinary proceeding under these rules, to make such other recommendation as may be appropriate, or to perform any other functions required by the court in its order of appointment.

(b) Should special counsel conclude after investigation and review that a formal disciplinary proceeding should not be initiated against the respondent-attorney because sufficient evidence is not present, or because there is another proceeding pending against the respondent-attorney, the disposition of which in the judgment of counsel should be awaited before further action by this court is considered, or for any other valid reason, counsel shall file with the court a recommendation for disposition of the matter, setting forth the reasons therefore.

(c) To initiate formal disciplinary proceedings, special counsel shall, upon a showing of probable cause, obtain leave of this court to institute a disciplinary proceeding by filing a complaint against the respondent-attorney setting forth the allegations of misconduct. If leave of the court is obtained, the complaint and summons shall be promptly served as provided in DR-9.

(d) The respondent-attorney shall file an answer to the complaint with thirty (30) days after service. If any issue of fact is raised in the answer or if the respondent-attorney wishes to be heard in mitigation, this court shall set the matter for prompt hearing before one or more judges of this court provided, however, that if the disciplinary proceeding is predicated upon the complaint of a judge of this court, the hearing shall be conducted by another judge of this court, or, if no judge is eligible to serve, the hearing shall be before a judge of the District Court appointed by the Chief Judge of the District Court.

#### **DR-7 Disbarment on Consent While Under Disciplinary Investigation or Prosecution.**

(a) Any attorney admitted to practice before this court who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may consent to disbarment but only by delivering to this court an affidavit stating that the attorney desires to consent to disbarment and that:

(1) the attorney's consent is freely and voluntarily rendered; the attorney is not being subjected to coercion or duress; the attorney is fully aware of the implications of so consenting;

(2) the attorney is aware that there is a presently pending investigation or proceeding involving allegations that there exist grounds for the attorney's discipline, the nature of which the attorney shall specifically set forth;

(3) the attorney acknowledges that the material facts so alleged are true; and

(4) the attorney so consents because the attorney knows that if charges were predicated upon the matters under investigation or if the proceedings were prosecuted, the attorney could not successfully defend himself.

(b) Upon receipt of the required affidavit, this court shall enter an order disbaring the attorney.

(c) The Order disbaring the attorney on consent shall be a matter of public record. However, the affidavit required under the provisions of this rule shall not be publicly disclosed or made available for use in any other proceeding except upon order of this court.

#### **DR-8 Reinstatement.**

(a) After disbarment or suspension. An attorney suspended for three (3) months or less shall be automatically reinstated at the end of the period of suspension upon the filing with the court of an affidavit of compliance with the provisions of this order. An attorney suspended for more than three (3) months or disbarred may not resume practice until reinstated by order of this court.

(b) Time of application following disbarment. A person who has been disbarred after hearing or by consent may not apply for reinstatement until the expiration of at least five (5) years from the effective date of the disbarment. A lawyer who has been suspended for more than six (6) months may not apply for reinstatement until six (6) months before the period of suspension has expired.

(c) Hearing on application. Petitions for reinstatement by a disbarred or suspended attorney under this rule shall be filed with the Chief Judge of the court. Upon receipt of the petition, the Chief Judge shall refer the petition to counsel and assign the matter for hearing before a judge of this court provided, however, that if the disciplinary proceeding was predicated upon the complaint of a judge of this court, the hearing shall be conducted before another judge of this court or, if there is no judge of this court eligible to serve, before a judge of the District Court appointed by the Chief Judge of the District Court. Within thirty (30) days after referral, the judge assigned to the matter shall schedule a hearing at which the petitioner shall have the burden of demonstrating by clear and convincing evidence that petitioner has the moral qualifications, competency, and



learning in the law required for admission to practice law before this court and that petitioner's resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administrations of justice or subversive of the public interest.

(d) Duty of special counsel. In all proceedings upon a petition for reinstatement, cross-examination of the witness of the respondent-attorney and the submission of evidence, if any, in opposition to the petition shall be conducted by counsel.

(e) Deposit for costs of proceeding. Petitions for reinstatement under this rule shall be accompanied by an advance cost deposit in an amount to be set from time to time by the court to cover anticipated costs of the reinstatement proceeding.

(f) Conditions of reinstatement. If the petitioner is found unfit to resume the practice of law, the petition shall be dismissed. If the petitioner is found fit to resume the practice of law, the judgment shall reinstate him or her, provided that the judgment may make reinstatement conditional upon the payment of all or part of the costs of the proceedings and upon the making of partial or complete restitution to parties harmed by the petitioner whose conduct led to the suspension or disbarment. Provided further, that if the petitioner has been suspended or disbarred for five (5) years or more, reinstatement may be conditioned, in the discretion of the judge before whom the matter is heard, upon the furnishing of proof of competency and learning in the law, which proof may include certification by the bar examiners of a state or other jurisdictions of the attorney's successful completion of an examination for admission to practice subsequent to the date of suspension or disbarment.

(g) Successive petitions. No petition for reinstatement under this rule shall be filed within one (1) year following an adverse judgment upon a petition for reinstatement filed by or on behalf of the same person.

#### **DR-9 Service of Complaint, Papers and Other Notices.**

Upon the filing of a complaint instituting a disciplinary proceeding, the clerk shall forthwith issue a summons and deliver the summons and a copy of the complaint in the matter provided in Fed. R. Bankr. P. 7004. The summons shall direct the respondent-attorney to serve an answer within thirty (30) days after service. An order of suspension shall be served in the same manner as a summons and complaint instituting a disciplinary proceeding. Service of any other papers or notices required by these rules shall be deemed to have been made if such paper or notice is addressed to the respondent-attorney at the attorney's last known address or to counsel or the respondent's attorney at the address indicated in the most recent pleading or other document filed by them in the course of any proceeding.

#### **DR-10 Duties of the Clerk.**

(a) Upon being informed that an attorney admitted to practice before this court has been convicted of any crime, the clerk of this court shall determine whether the clerk of court in which such conviction occurred has forwarded a certificate of such conviction to this court. If a certificate has not been so forwarded, the clerk of this court shall promptly obtain a certificate and file it with this court.

(b) Upon being informed that an attorney admitted to practice before this court has been subjected to discipline by another court, the clerk of this court shall determine whether a certified or exemplified copy of the disciplinary judgment or order has been filed with this court, and, if not, the clerk shall promptly obtain a certified or exemplified copy of the disciplinary judgment or order and file it with this court.

(c) Whenever it appears that any person convicted of any crime or disbarred or suspended or censured or disbarred on consent by this court is admitted to practice law in any other jurisdiction or before any other court, the clerk of this court shall, within ten (10) days of that conviction, disbarment, suspension, censure, or disbarment on consent, transmit to the other court a certificate of the conviction or a certified exemplified copy of the judgment or order of disbarment suspension, censure, or disbarment on consent, as well as the last known office and residence of the defendant or respondent.

(d) The clerk of this court shall, likewise, promptly notify the National Lawyer Regulatory Data Bank operated by the American Bar Association of any order imposing public discipline upon any attorney admitted to practice before this court.

(§ (d) amended 2/2/01)

**DR-11 Public Access and Confidentiality.**

(a) Publicly Available Records. All filings, orders, and proceedings involving allegations of misconduct by an attorney shall be public, except:

(1) When the court, on its own initiative or in response to a motion for protective order, orders that such matters shall not be made public. While a motion for protective order is pending, the motion and any objection to the motion will be filed under seal.

(2) Any filing, proceeding, or order issued pursuant to DR-6 prior to the initiation of formal disciplinary proceedings under DR-6(c).

(b) Respondent's Request. The respondent attorney may request that the court make any matter public that would not otherwise be public under this rule.

(Prior rule stricken and replaced on 2/2/01)

**DR-12 Jurisdiction.**

Nothing contained in these rules shall be construed to deny to this court such powers as are necessary for the court to maintain control over proceedings conducted before it.  
certified mail, return receipt requested, to the lessor's address listed on the petition.

**CHAPTER 13 – CONFIRMATION – OBJECTION DEADLINE**

(Adopted pursuant to General Order dated October 14, 2005)

Effective as to all Chapter 13 cases filed on or after October 17, 2005, any objection to confirmation of a Chapter 13 plan shall be filed no later than ten (10) days before the first date set for the confirmation hearing, or in the event an amended plan is filed, five (5) days before the confirmation hearing. The objection shall be heard at the confirmation hearing.

**CHAPTER 13 PRE-CONFIRMATION ADEQUATE PROTECTION PAYMENTS**

(Adopted pursuant to General Order dated October 14, 2005)

Effective as to all Chapter 13 cases filed on or after October 17, 2005:

(a) Payments of personal property leases governed by 11 U.S.C. § 1326(a)(1)(B) shall only be made directly by the debtor to the lessor if the debtor's plan so provides or if no plan provision addresses payment of the debtor's lease obligation. If the plan provides for payment of the lease obligation by the trustee, the debtor shall make the payment as part of the total payment to the trustee, and the trustee shall pay the lessor, both before and after confirmation.

(b) Pre-confirmation adequate protection payments governed by 11 U.S.C. § 1326(a)(1)(C) shall only be made directly by the debtor to the secured creditor if the debtor's plan so provides or if no plan provision addresses payment of the secured claim. If the plan provides for payment of the secured claim by the trustee, the debtor shall make the payment as part of the total payment to the trustee, and the trustee shall pay the amount provided by the plan to the secured creditor, both before and after confirmation.

**MOTIONS TO EXTEND THE STAY**

(Amended and Adopted pursuant to Order dated April 3, 2006)

Effective as to cases filed on or after October 17, 2005, the deadline to file and serve a motion to extend the stay under 11 U.S.C. § 362(c)(3)(B) is seven (7) days after the petition is filed. Prior to filing and serving such motion to extend the stay, the debtor shall contact the calendar clerk in accordance with *LBR 7101(b)* to obtain a hearing date for the motion.

**PROCEDURES FOR FILING AND OBTAINING TAX INFORMATION UNDER 11 U.S.C. § 521**

(Adopted pursuant to General Order dated October 14, 2005)

Effective as to cases filed on or after October 17, 2005, and in accordance with section 315(c) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the “Act”) and interim guidance provided by the Director of the Administrative Office of the United States Courts, the procedures described below should be followed for safeguarding the confidentiality of tax information required to be provided under 11 U.S.C. § 521, whether filed with the Court or otherwise provided by the debtor pursuant to 11 U.S.C. § 521. The term “tax information” includes tax returns, transcripts of returns, amendments to returns and any other document containing tax information provided by the debtor.

(a) *Filing of Tax Information.* In order for tax information to be electronically entered into the Court’s CM/ECF system, the “tax information” event must be selected from the CM/ECF event list. The specific filing events are listed on the CM/ECF page of the Court’s web site.

(b) *No Electronic Public Access to Tax Information.* Use of the “tax information” event in CM/ECF limits access to the filed tax information to those users assigned “court” logins (*i.e.*, judicial officers and court employees). All other users (including PACER users) will be limited to viewing only the docket event indicating that tax information has been filed. These other users will not be able to open and view the tax information. Access to the tax information shall be available only upon request of the court in accordance with the provisions of paragraph (d) below.

(c) *Redaction of Personal Information.* All tax information provided in accordance with 11 U.S.C. § 521 is subject to the Judicial Conference of the United States Policy on Privacy and Public Access to Electronic Case Files (“JCUS policy”) available at <<http://www.privacy.uscourts.gov/Policy.htm>>. In accordance with the JCUS policy, the debtor should take the following steps to redact personal identifiers in any tax information filed with the court or provided to the trustee or creditor(s), in either electronic or paper form:

- (1) Social Security numbers. If an individual’s social security number is included, only the last four digits of that number should appear;
- (2) Names of minor children. If a minor child(ren) is/are identified by name, only the child(ren)’s initials should appear;
- (3) Dates of birth. If an individual’s date of birth is included, only the year should appear; and
- (4) Financial account numbers. If financial account numbers are provided, only the last four digits of these numbers should appear.

**Court employees are not responsible for redacting any of the personal identifying information. The responsibility for redacting personal identifiers rests solely with the debtor.**

(d) *Procedure for Requesting and Obtaining Access to Tax Information.* To gain access to a debtor’s tax information under 11 U.S.C. § 521(f), the United States trustee, trustee, or party in interest, including a creditor, must follow the procedures set forth below.

- (1) The United States trustee, trustee, or party in interest, including a creditor, must file with the court and serve on the debtor and debtor’s counsel, if any, a written request that the debtor file copies of tax returns with the court pursuant to 11 U.S.C. § 521(f).

- (2) In order to obtain access to debtor's tax information that is filed with the bankruptcy court, the movant must file a motion with the court, which should include:
- (i) a description of the movant's status in the case, to allow the court to ascertain whether the movant may properly be given access to the requested tax information;
  - (ii) a description of the specific tax information sought;
  - (iii) a statement indicating that the information cannot be obtained by the movant from any other sources; and
  - (iv) a statement showing a demonstrated need for the tax information.

*(e) Access to Tax Information as Ordered by the Court.* Orders granting a motion for access to tax information will include language advising the movant that the tax information obtained is confidential and should condition dissemination of the tax information as appropriate under the circumstances of the particular case. At the discretion of the Court, the order may state that sanctions may be imposed for improper use, disclosure, or dissemination of the tax information. Upon the granting of a motion for access to tax information, the movant shall make arrangements to view the tax information at the clerk's office, unless otherwise ordered by the Court. The transmission of the tax information to the movant, by whatever means the Court deems appropriate in a particular case, shall be recorded as a docket event in CM/ECF so that the docket will reflect that the Court has taken the action necessary to effect the provisions of its order granting access.

**REAFFIRMATION**

(Adopted pursuant to Order dated April 3, 2006)

(a) *Form.* Effective as to cases filed on or after October 17, 2005, all reaffirmation agreements shall be substantially in the form of Revised Procedural Form B240 issued by the Director of the Administrative Office of the United States Courts to implement the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, which form is available at [www.uscourts.gov/rules/revised\\_forms.html](http://www.uscourts.gov/rules/revised_forms.html). If a reaffirmation agreement filed with the Court is not substantially in the form of Form B240, it will not be effective and is subject to disapproval by the Court.

(b) *Agreements Not Effective.* Reaffirmation agreements not complying with the provisions of this subparagraph are not effective and are subject to disapproval by the Court without notice or a hearing:

- (1) a reaffirmation agreement must be executed prior to the date of the debtor's discharge; and
- (2) a reaffirmation agreement must be accompanied by the best available evidence of the claim and, as appropriate, copies of the underlying contractual documents.

(c) *Hearing Not Required.* If the presumption of undue hardship has not arisen under 11 U.S.C. § 524(m), no hearing to review and approve a reaffirmation agreement will be scheduled by the Court:

- (1) if the debtor was represented by an attorney during the course of negotiating the agreement;  
or
- (2) if the debt is a consumer debt secured by a mortgage or other lien on real property.

(d) *Hearing Required.* A hearing to review and approve a reaffirmation agreement will be scheduled by the Court:

- (1) if the debtor was not represented by an attorney during the course of negotiating the agreement and the debt is not a consumer debt secured by a mortgage or other lien on real property; and
- (2) whether or not the debtor was represented by an attorney during the course of negotiating the agreement, if the presumption of an undue hardship has arisen under 11 U.S.C. § 524(m) and the Court is unable to find that the presumption is rebutted based upon the information submitted by the debtor.

(e) *Appearance by Debtor's Attorney at Hearing.* Unless the Court orders otherwise, any attorney who represented the debtor in connection with the preparation or filing of the bankruptcy petition, statement of financial affairs or schedules, shall personally appear at any hearing conducted under subparagraph (d) above.



**ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING, MAINTAINING AND  
VERIFYING PLEADINGS AND PAPERS IN THE  
CASE MANAGEMENT/ELECTRONIC CASE FILES (CM/ECF) SYSTEM**

(Adopted pursuant to General Order dated March 15, 2002)

(a) *Terms.* The term “CM/ECF system” is used to refer to the Court’s Case Management/Electronic Case Files system that receives documents filed in electronic form. The term “Filing User” is used to refer to those who have a court-issued log-in and password to file documents electronically. The term “Notice of Electronic Filing” is used to refer to the notice automatically generated by the CM/ECF system each time a document is filed.

(b) *Scope of Electronic Filing.* All cases filed after April 1, 2002 will be part of the Court’s CM/ECF system. All petitions, motions, memoranda of law, or other pleadings and documents required to be filed must be electronically filed except as expressly provided and in circumstances where the Filing User is prevented from filing electronically, i.e., the CM/ECF system is down. Notwithstanding the foregoing, attorneys and others who are not Filing Users in the CM/ECF system are not required to electronically file pleadings and other papers. Once registered, a Filing User may withdraw from participation in the CM/ECF system by providing the clerk’s office with written notice of the withdrawal.

(c) *Eligibility, Registration, Passwords.* Attorneys admitted to the bar of this Court (including those admitted pro hac vice), United States trustees and their assistants, private trustees, and others as the Court deems appropriate, may register as Filing Users of the Court’s CM/ECF system upon (1) completion of the Court’s training program; or (2) certification by the clerk in circumstances where completion of the Court’s training program is not warranted.

Registration will be in a form prescribed by the clerk and will require the Filing User’s name, address, telephone number, Internet e-mail address, and, in the case of an attorney, a declaration that the attorney is admitted to the bar of this Court.

A party to a pending action who is not represented by an attorney may register as a Filing User in the CM/ECF system, solely for purposes of the action, upon (1) completion of the Court’s training program; or (2) certification by the clerk in circumstances where completion of the Court’s training program is not warranted. Registration will be in a form prescribed by the clerk and will require identification of the action as well as the name, address, telephone number and Internet e-mail address of the party. If, during the course of the action, the party retains an attorney who appears on the party’s behalf, the attorney must advise the clerk to terminate the party’s registration as a Filing User upon the attorney’s appearance.

Provided that a Filing User has an Internet e-mail address, registration as a Filing User constitutes: (1) waiver of the right to receive notice by first class or certified mail and consent to receive notice electronically; and (2) waiver of the right to service by personal service, first class or certified mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first class or certified mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

Once registration is completed, the Filing User will receive notification of the user log-in and password. Filing Users shall protect the security of their passwords and immediately notify the clerk by telephone and by facsimile if they learn that their password has been compromised. Filing Users may be subject to sanctions for failure to comply with this provision.

(d) *Consequences of Electronic Filing.* Electronic transmission of a document to the CM/ECF system consistent with these rules, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the local rules of this Court, and constitutes entry of the document on the docket kept by the clerk under Fed. R. Bankr. P. 5003.

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court, and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically, a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the Court.

Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day.

(e) *Entry of Court Orders.* All orders, decrees, judgments, and proceedings of the Court will be filed in accordance with these rules, which will constitute entry on the docket kept by the clerk under Fed. R. Bankr. P. 5003 and 9021. All signed orders will be filed electronically by the Court or Court personnel. Any order filed electronically without the original signature of a judge has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

A Filing User submitting a document electronically that requires a judge's signature must submit, at that time, a separate proposed order as an attachment to the document in the CM/ECF system. If a proposed order is being submitted by a Filing User after a document requiring a judge's signature has already been electronically filed (e.g., at the request of a judge after a hearing on the document), the proposed order shall be filed separately in the CM/ECF system unless otherwise ordered by the Court.

(f) *Attachments and Exhibits.* Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless the Court permits conventional filing. A Filing User may submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Filing Users must promptly provide excerpted documents in full if a responding party makes such a request. Responding parties may timely file additional excerpts, or the complete document, if they believe they are directly germane.

(g) *Sealed Documents.* Documents ordered to be placed under seal must be filed conventionally, and not electronically, unless specifically authorized by the Court. A motion to file documents under seal may be filed electronically unless prohibited by law. The order of the Court authorizing the filing of documents under seal may be filed electronically unless prohibited by law. A paper copy of the order must be attached to the documents under seal and be delivered to the clerk.

(h) *Documents Containing Original Signatures.* If a document that is electronically filed contains an original signature under oath, other than that of the Filing User, a paper copy of a Declaration Regarding Electronic Filing must be filed with the Court within five business days. The Declaration Regarding Electronic Filing must be in the form of Local Bankruptcy Forms 5005-4A or 5005-4B, it must be signed under oath, and it must have attached to it a copy of the Notice of Electronic Filing for that document which includes the electronic document stamp. As part of the clerk's duty to maintain records, the clerk shall retain all Declarations Regarding Electronic Filing that are filed with the Court.

(i) *Signatures.* The user log-in and password required to submit documents to the CM/ECF system serve as the Filing User's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of Fed. R. Bankr. P. 9011, the Federal Rules of Bankruptcy Procedure, the local rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court. Each document filed electronically must, if possible, indicate that it has been electronically filed. Electronically filed documents must include a signature block that sets forth the name, address, telephone number, and the attorney's bar registration number. In addition, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "/s/" and typed in the space where the signature would otherwise appear.

No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

Except for documents covered by paragraph (h) of this order, documents requiring signatures of more than one party must be electronically filed either by: (1) submitting a scanned document containing all necessary signatures; (2) representing the consent of the other parties on the document; or (3) in any other manner approved by the Court.

(j) *Service of Documents by Electronic Means.* Each Filing User who electronically files a pleading or other document must transmit a “Notice of Electronic Filing” to parties entitled to service or notice under the Federal Rules of Bankruptcy Procedure and these local rules. The “Notice of Electronic Filing” must be transmitted by e-mail, hand, facsimile, or by first-class mail postage prepaid. Electronic transmission by the Court of the Notice of Electronic Filing generated by the CM/ECF system will constitute service or notice of the filed document. Parties not deemed to have consented to electronic notice or service are entitled to receive a paper copy of any electronically filed pleading or other document and service or notice must be made according to the Federal Rules of Bankruptcy Procedure and the local rules.

(k) *Notice of Court Orders and Judgments.* Immediately upon the entry of an order or judgment in an action assigned to the CM/ECF system, the clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Bankr. P. 9022. The clerk must give notice to a person who has not consented to electronic service in paper form in accordance with the Federal Rules of Bankruptcy Procedure.

(l) *Technical Failures.* A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court pursuant to 11 U.S.C. § 105 and Fed. R. Bankr. P. 9006(b)(1), subject to the limitations of Fed. R. Bankr. P. 9006(b)(2) and (3).

(m) *Public Access.* Any person or organization, other than one registered as a Filing User under paragraph c of this order, may access the CM/ECF system at the Court’s Internet site <<http://www.nhb.uscourts.gov>> by obtaining a PACER log-in and password. Those who have PACER access but who are not Filing Users may retrieve docket sheets and documents, but they may not file documents.

In connection with the filing of any material in an action assigned to the CM/ECF system, any person may apply by motion for an order limiting electronic access to or prohibiting the electronic filing of certain specifically-identified materials on the grounds that such material is subject to privacy interests and that electronic access or electronic filing in the action is likely to prejudice those privacy interests.

Information posted on the CM/ECF system must not be downloaded for uses inconsistent with the privacy rights of any person.

(n) *Copies to be Filed.* The requirements of Local Bankruptcy Rule 5005-2 are suspended for Filing Users with respect to the number of copies of the petition, schedules, statements and lists to be filed with the Court. It is sufficient for the Filing User to electronically file the documents. No paper copies need to be filed with the Court. However, the debtor must bring a paper copy of the petition, schedules, statements and lists to the first meeting of creditors so that the trustee may use the paper copy to examine the debtor.

The requirements of Local Bankruptcy Rule 7101(c) are suspended for Filing Users with respect to filing a separate paper copy of the original pleading marked to the attention of the judge’s calendar clerk. It is sufficient for the Filing User to electronically file the documents. No paper copies need to be sent to the judge’s calendar clerk. However, a separate paper copy of all Chapter 11 plans and disclosure statements, including any amendments thereto, must be sent to the judge’s calendar clerk. In addition, the Filing User must continue to supply red-lined copies of all amended Chapter 11 plans and disclosure statements, for the personal use of the judge, as required by Local Bankruptcy Rule 3016-1(b).

**SEALED DOCUMENTS**

(Adopted pursuant to Order dated April 3, 2006)

A motion to file documents under seal, accompanied by a proposed order, must be filed electronically. As soon as practicable after the motion to seal is filed, the documents sought to be filed under seal are to be delivered to the clerk in a sealed envelope with a copy of the motion to seal and the notice of electronic filing affixed to the outside of the envelope. The Court will issue an order on the motion to seal and, if granted, an informational entry will be made on the case docket indicating that sealed documents have been filed with the Court.

**DEBTORS ASSERTING AN EXCEPTION TO THE LIMITATION OF THE AUTOMATIC STAY**  
**PURSUANT TO 11 U.S.C. § 362(l) AND PROCEDURE FOR RECEIVING RENT DEPOSITS**

(Adopted pursuant to Order dated April 3, 2006)

Effective as to cases filed on or after October 17, 2005, to establish uniformity in the procedures for the deposit of rent by debtors and transmittal of rent to lessors under 11 U.S.C. § 362(l)(1)(B) and 362(l)(5)(D), rent payments shall be paid as follows:

- (1) Any deposit of rent made by or on behalf of a debtor pursuant to 11 U.S.C. § 362(l)(1)(B) must be in the form of a certified check or money order made payable to the order of the lessor and delivered to the clerk upon filing of the petition and the certification made under 11 U.S.C. § 362(l)(1)(A); and
- (2) Upon the clerk's receipt of a certified check or money order made payable to the order of the lessor, the clerk is directed to promptly transmit the certified check or money order to the lessor by certified mail, return receipt requested, to the lessor's address listed on the petition.

**FEES — REQUEST FOR REFUND**

(Adopted pursuant to Order dated April 3, 2006)

(a) *Request for Refund.* An attorney or trustee may request a refund of a filing fee paid electronically in a case or proceeding in which payment was made by credit card only.

(b) *Motion.* Any request for a refund shall be made by motion, accompanied by a proposed order, as soon as practicable after the payment error is discovered. The motion must contain a detailed explanation as to why the payment should be refunded. No supporting memorandum or notice of hearing is necessary if:

- (1) a fee was paid for filing a duplicate document, bankruptcy petition or adversary proceeding;
- (2) a fee was paid for filing a document in the wrong case or proceeding;
- (3) the movant is entitled to an exemption from the filing fee paid; or
- (4) the trustee or debtor in possession is eligible for deferral of the filing fee in a case in which no funds from the estate exist for payment of the filing fee but the filing fee was paid electronically.

(c) Upon verification of the grounds set forth in (b) above, the clerk is authorized to effect a refund only if the refund may be processed as a credit to the attorney's or trustee's credit card. In all other instances, the attorney or trustee shall obtain a hearing date in accordance with *LBR 9073-1*.

**BANKRUPTCY COURT PHONE NUMBERS/E-MAIL**

(Adopted pursuant to General Order dated April 1, 1997)  
(Revised January 21, 1998, July 30, 1999 and May 15, 2003)

The pertinent telephone numbers and e-mail addresses of bankruptcy personnel involved in the setting of court calendars and courtroom procedure are as follows:

*Chief Judge Vaughn*

(603) 222-2685 (Administrative Manager - Courtroom)  
Maureen\_Shambo@nhb.uscourts.gov

*Judge Deasy*

(603) 222-2644 (Courtroom Deputy)  
Chris\_Comer@nhb.uscourts.gov

Hearing dates for motions for relief and motions to avoid lien must be obtained via the court's web site at:

<[www.nhb.uscourts.gov](http://www.nhb.uscourts.gov)>

**COMPLIANCE WITH THE SERVICEMEMBERS CIVIL RELIEF ACT OF 2003**

(Adopted pursuant to Order dated July 7, 2004)

Effective immediately, in order to comply with Section 201 of the Servicemembers Civil Relief Act of 2003 (the "Act") regarding the entry of default judgments, and other applicable parts of the Act, Pub. L. 108-189, 117 Stat. 2835, effective immediately, the Court requires the following:

1. *Default Judgments.* At the time of the filing of a motion for default judgment in an adversary proceeding pursuant to Fed. R. Bankr. P. 7055, the plaintiff must file an affidavit with the Court which states (a) whether or not the defendant is in the military service, and indicating the necessary facts to support said affidavit; or (b) if the plaintiff is unable to determine whether or not the defendant is in the military service, a statement that the plaintiff is unable to so determine. See Section 201(b)(1) of the Act. If a plaintiff moving for a default judgment does not submit the required affidavit, the motion will be denied. If the Court is unable to ascertain the defendant's military status from the presented affidavit, it may require the plaintiff to file a bond before entering any default judgment. Section 201(b)(4) of the Act states that the affidavit requirement "may be satisfied by a statement, declaration, verification, or certificate, in writing, subscribed and certified or declared to be true under penalty of perjury."

2. *Motions for Relief from the Automatic Stay.* At the time of the filing of a motion for relief from stay under Fed. R. Bankr. P. 4001, after the effective date of this order, the movant must file an affidavit with the Court which states (a) whether or not the respondent is in the military service, and indicating the necessary facts to support said affidavit; or (b) if the movant is unable to determine whether or not the respondent is in the military service, a statement that the movant is unable to so determine. See Section 201(b)(1) of the Act. The Court will not enter any orders lifting the stay if the movant does not supply the required affidavit. If the Court is unable to ascertain the respondent's military status from the presented affidavit, it may require the movant to file a bond before entering any order lifting the stay.

3. *Motions and Contested Matters.* At the time of the filing of any motion requesting a remedy which may be granted by the Court for a party's failure to respond, movant must also certify whether the respondent is a servicemember, as required by Section 201(b)(1) of the Act.

4. *Debtor's Information.* In order to assist the Court in its determination of a debtor's status under the Act, a debtor should inform the Court if he or she is a servicemember subject to the provisions of the Act at the time of the filing of the bankruptcy petition by submitting a separate writing in the form of *LBF 9012-1*. If, at any time during the pendency of the bankruptcy proceedings a debtor becomes entitled to the protections of the Act, he or she should inform the Court of the change in military status within ten (10) days of the change in status. Failure by the debtor to inform the Court of his or her military status does not in any way constitute a waiver of the debtor's protections under the Act, and does not alter the responsibility of a party to investigate the debtor's servicemember status before filing any of the papers referred to in subparagraphs (1) through (3) of this administrative order.

5. *Verification.* Information on verification of the military status of an individual is available from the clerk's office or on the Court's web site.



**TELEPHONIC APPEARANCES**

(Adopted pursuant to Order dated January 13, 2005)

The United States Bankruptcy Court for the District of New Hampshire has adopted a new procedure for telephonic appearances.

Effective for all hearings scheduled on or after February 14, 2005, parties seeking to participate in hearings by telephonic appearance must utilize the services of CourtCall, an independent conference call company.

No telephonic appearance will be allowed unless it is made through CourtCall pursuant to the procedures set forth in Section II.

**Under no circumstances may any participant record or broadcast the proceedings conducted by the Bankruptcy Court.**

I. POLICY GOVERNING TELEPHONIC APPEARANCES

1. Telephonic appearances are allowed in all matters before the Court except the following:
  - A. Trials and evidentiary hearings — all counsel and all witnesses must appear in person;
  - B. Chapter 11 status conferences — debtor and debtor's counsel must appear in person, other parties in interest may appear telephonically;
  - C. Chapter 11 confirmation hearings — debtor, debtor's counsel, and all objecting parties must appear in person;
  - D. Hearings on reaffirmation agreements — debtor must appear in person;
  - E. Pretrial conferences — all counsel and *pro se* parties must appear in person; and
  - F. Any matter designated by the Court as one requiring a personal appearance.
2. A party may participate by telephonic appearance in more than one case on a list. Any party solely interested in monitoring the Court's proceedings may participate by telephonic appearance in "listen only" mode.
3. If an individual schedules a telephonic appearance and then fails to respond to the call of a matter on the calendar, the Court may pass the matter or may treat the failure to respond as a failure to appear. Individuals making use of the conference call service are cautioned that they do so at their own risk.
4. To ensure the quality of the record, the use of car phones, cellular phones, speaker phones or phones in other public places is prohibited. Each time you speak, you must identify yourself for the record. Do not place the call on hold at any time. When the judge informs the participants that the hearing is completed, then you may disconnect. If you will be appearing by telephone in a later case on the same list, you may stay on the call and wait for your next case to be called.

## II. SCHEDULING A TELEPHONIC APPEARANCE

1. Participants must notify CourtCall toll free by telephone (866-582-6878) or by facsimile (866-533-2946) no later than 3 p.m. EST of the business day prior to the hearing. Permission to appear telephonically on shorter notice must be obtained from the Court by contacting Maureen Shambo at 603-222-2685 for cases assigned to Judge Vaughn or Christine Comer at 603-222-2644 for cases assigned to Judge Deasy and will only be granted if just cause exists.
2. Participants must provide CourtCall with the following information:
  - A. Case name and number
  - B. Name of judge
  - C. Hearing date and time
  - D. Name, address and telephone number of the participant
  - E. Name of the party represented by the participant
  - F. Matter on which the participant wishes to be heard or whether the participant intends to monitor the proceeding in “listen only” mode.
3. Participants will receive fax confirmation and instructions for telephonic appearance from CourtCall. It is the participant’s responsibility to dial into the call not later than ten minutes prior to the scheduled hearing.
4. Any questions about telephonic appearances should be directed to CourtCall at 866-582-6878.
5. Information about CourtCall’s policies may be obtained at [www.courtcall.com](http://www.courtcall.com) or by calling 866-582-6878.

## III. FEES

The fee for the telephonic appearance is fixed by CourtCall, depending on the length of time the participant is on the call, regardless of the number of cases the participant appears in during a call or whether the participant is actually heard by the Bankruptcy Court or is in “listen only” mode. Each participant will be charged or billed an initial fee of \$50 at the time of the reservation with CourtCall, with appropriate increments, if any, to be charged or billed based upon the Fee Rate, which rates may be amended from time to time without requiring amendment of this Administrative Order.

The current Fee Rate for telephonic appearances through CourtCall is as follows:

<u>Call Length</u>	<u>Fee</u>
0 - 90 minutes	\$ 50
91 - 180 minutes	\$ 80
181 - 270 minutes	\$120
271 - 360 minutes	\$160
361 or more minutes	\$ 40 each additional 90 minute increment

There are no subscription fees, and no special equipment is required to use the service.